

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHAD R. HARRIS,

Plaintiff,

V.

AMAZON.COM INC.,

Defendant.

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No. 3:22-cv-2279-K-BN

**MEMORANDUM OPINION AND ORDER GRANTING
LEAVE AND REQUIRING NOTICE**

In this lawsuit that United States District Judge Ed Kinkeade has referred to the undersigned United States magistrate judge for pretrial management under 28 U.S.C. § 636(b), the Court set February 28, 2025 as the deadline to file motions for leave (under Federal Rule of Civil Procedure 15(a)) to join additional parties and amend the pleadings. *See* Dkt. No. 55, ¶¶ 2 & 3.

Prior to that deadline, Plaintiff Chad R. Harris filed a motion for leave to amend the complaint. *See* Dkt. No. 60.

In response to the February 28, 2025 order [Dkt. No. 61], Defendant Amazon, Inc. notified the Court that it does not oppose Harris’s motion on his “representation and its understanding that he is not alleging a retaliation claim.” Dkt. No. 62; *see also* Dkt. Nos. 41 & 42 (dismissing Harris’s Title VII retaliation claim with prejudice).

And Harris replied, concerned about the observation in the February 28 order that,

[i]f the Court were to grant [his] motion [for leave to amend], it would implicate Harris’s pending motion for summary judgment [Dkt. No. 46],

with Amazon's response to that motion due no later than March 13, 2025, *see* Dkt. No. 56.

That is because “[a]n amended complaint, which supersedes the original complaint as the operative live pleading, generally renders moot a motion for summary judgment on the original complaint.” *Lofty, LLC v. McKelly Roofing, LLC*, No. 2:17-CV-159-D-BR, 2018 WL 6004307, at *1 (N.D. Tex. Nov. 7, 2018) (citations omitted), *rec. adopted*, 2018 WL 6000147 (N.D. Tex. Nov. 15, 2018).

And this general rule would seem to apply here as Harris is moving for summary judgment in his favor on the claims that he alleges in the now-operative complaint. *See Griffin v. Am. Zurich Ins. Co.*, 697 F. App'x 793, 797 (5th Cir. 2017) (per curiam) (“Once filed, that amended complaint rendered all earlier motions, including [Plaintiff's] motion for partial summary judgment, moot.” (citing *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994) (per curiam))).

And, so, the Court will suspend briefing as to the pending motion for summary judgment. Amazon need not file a response to that motion as previously ordered. And, if necessary, the Court will reset a briefing schedule as to that motion through a separate order.

Dkt. No. 61 at 1-2.

As best the Court understands Harris's concerns, they appear to be whether he will be able to move for summary judgment against Amazon if leave to amend is granted and either he withdraws his summary judgment motion or it's denied as moot. *See* Dkt. No. 63 (concluding that, “[i]f the Court does allow for resubmission [of the summary judgment motion], then the Plaintiff would request the current Amendment stand,” but, “[i]f the Court does not allow for a resubmission, then the Plaintiff would request this Amendment be withdrawn”).

The Court may grant Harris leave to file a second motion for summary judgment, *see* N.D. TEX. L. CIV. R. 56.2(b), and the Court is inclined to do so under these circumstances even if Amazon opposes such relief.

And, so, the Court GRANTS the motion for leave to amend [Dkt. No. 60] to the extent that that it DIRECTS the Clerk of Court to DOCKET Dkt. No. 60-2 as the

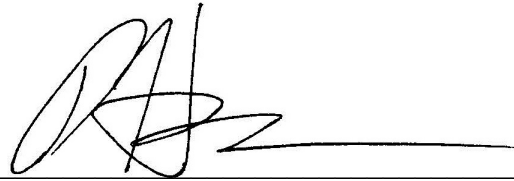
First Amended Complaint.

The Court further GRANTS Harris leave under Local Civil Rule 56.2(b) to file a second motion for summary judgment.

And Harris is ORDERED to file a written response to this order by **April 4, 2025** to notify the Court whether he is withdrawing the pending motion for summary judgment [Dkt. No. 46]. If he does not, the undersigned will recommend that the Court deny that motion as moot.

SO ORDERED.

DATED: March 26, 2025

A handwritten signature in black ink, appearing to read 'D. Horan', with a long horizontal line extending to the right.

DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE